

Appl. No. 10/005,396
Reply to Office Action of June 13, 2005

Attorney Docket No. 29484.30
Customer No. 27683

REMARKS

Claims 1-39, 48-72 and 78-84 have been canceled, and Claims 87-89 have been added. Claims 40-47, 73-77 and 85-89 are currently pending in the application. Applicants have previously paid filing fees in an amount sufficient to cover all of the claims that are now pending, and thus believe that no additional filing fee is due in association with the submission of this Amendment. In view of the foregoing amendments, and the remarks that follow, Applicants respectfully request reconsideration of this application.

Non-Elected Claims

Claims 1-39, 48-72 and 78-84 were withdrawn from examination pursuant to a restriction requirement. These non-elected claims have therefore been canceled. However, Applicants reserve the right to eventually file a divisional application that presents the subject matter of these non-elected claims for examination on the merits.

Independent Claim 40

Independent Claim 40 stands rejected under 35 U.S.C. §102 as anticipated by Frailong U.S Patent No. 6,496,858. This ground of rejection is respectfully traversed, for the following reasons. The PTO specifies in MPRP §2131 that, in order for a reference to anticipate a claim under §102, the reference must teach each and every element recited in the claim. Claim 40 recites:

A control server to manage a plurality of device configurations comprising:

a data store to store current status of each device;
a user interface to alter data in the data store to prompt creation of a job;

Appl. No. 10/005,396
Reply to Office Action of June 13, 2005

Attorney Docket No. 29484.30
Customer No. 27683

a scheduler to schedule jobs to update devices;
a control point interface to send jobs to a control point, and
to receive a result from the control point.

In the Office Action, the explanation of the rejection of Claim 40 appears in lines 1-8 on page 3. In particular, the Office Action notes that Frailong discloses a server 206 (Figure 2), and then asserts that the server 206 includes a data store 508, a user interface 502, and a scheduler 404 (Figures 4-5). Applicants respectfully disagree. More specifically, Figure 2 of Frailong depicts the remote server 206, and also a gateway interface device 208. Figures 3-5 of Frailong show part of the internal structure of the gateway interface device 208, including data store 508, user interface 502, and scheduler 404. In other words, and contrary to the assertions in the Office Action, the server 206 does not include the elements 508, 502 and 404, because these elements are components of the device 208, rather than the server 206. It should be noted that Frailong's general approach to network device management is de-centralized, in that each device (such as the gateway interface device 208) basically handles its own management. In contrast, the present application discloses a significantly different approach to device management. In particular, device management is centralized, and a central control server manages multiple devices. Frailong's approach requires that a device must have specialized management capability built into the device itself. In contrast, the approach of the present application will work with virtually any commercially available device, and in fact can work with pre-existing devices without any need for changes to the hardware of those devices.

As explained above, MPEP §2131 specifies that, in order for Frailong to anticipate Claim 40 under §102, Frailong must teach each and every element recited in Claim 40. In view of the foregoing discussion, it is respectfully submitted that Frailong does not disclose each and every element recited in Claim 40, and thus does not anticipate Claim 40 under §102. Claim 40

Appl. No. 10/005,396
Reply to Office Action of June 13, 2005

Attorney Docket No. 29484.30
Customer No. 27683

is therefore believed to be allowable over Frailong, and notice to that effect is respectfully requested.

Independent Claim 73

Independent Claim 73 stands rejected under 35 U.S.C. §102 as anticipated by the Frailong patent. This ground of rejection is respectfully traversed, for the following reasons. As noted above, the PTO specifies in MPEP §2131 that, in order for a reference to anticipate a claim under §102, the reference must teach each and every element recited in the claim. Claim 73 expressly recites:

A method of controlling a network using a control server,
the method comprising:

maintaining a data store including configurations of each
device coupled to the control server through a control point;

generating a job to update a device;

receiving a report from the control point regarding the
execution of the job to update the device; and

storing in the data store the report with the current
configuration of the device, such that a complete revision history of
the device is maintained.

The provisions of 37 C.F.R. §1.104(c)(2) specify that, where a §102 rejection is based on a complex reference, an Office Action must clearly identify the particular portions of the reference that supposedly correspond to the subject matter of the claim. In the present Office Action, the explanation of the rejection of Claim 73 appears in lines 6-15 on page 4. This explanation does not meet the requirements of §104(c)(2), in that the explanation fails to clearly identify which

Appl. No. 10/005,396
Reply to Office Action of June 13, 2005

Attorney Docket No. 29484.30
Customer No. 27683

components of Frailong are believed by the Examiner to correspond to the "control server" and the "control point" that are mentioned in Claim 73. As best understood, the Office Action takes the same approach to Claim 73 that it does to Claim 40. Consequently, the rejection of Claim 73 suffers from the same defect as the rejection of Claim 40, in that it treats elements such as the data store 508 as if they were components of the server 206, when in fact they are actually components of the device 208. Moreover, the Office Action asserts that the data store 508 contains "configurations of each device coupled to the control server through a control point". However, in Frailong, the data store 508 of the device 208 contains only information relating to that particular device 208, and not any other devices.

As explained above, MPEP §2131 specifies that, in order for Frailong to anticipate Claim 73 under §102, Frailong must teach each and every element recited in Claim 73. In view of the foregoing discussion, it is respectfully submitted that Frailong does not disclose each and every element recited in Claim 73, and thus does not anticipate Claim 73 under §102. Claim 73 is therefore believed to be allowable over Frailong, and notice to that effect is respectfully requested.

Independent Claim 85

Independent Claim 85 stands rejected under 35 U.S.C. §102 as anticipated by the Frailong patent. This ground of rejection is respectfully traversed, for the following reasons. As noted above, the PTO specifies in MPEP §2131 that, in order for a reference to anticipate a claim under §102, the reference must teach each and every element recited in the claim. Claim 85 expressly recites:

A method of remotely manipulating a device coupled to a control point, the control point managed by a control server, comprising:

Appl. No. 10/005,396
Reply to Office Action of June 13, 2005

Attorney Docket No. 29484.30
Customer No. 27683

generating a job to manipulate the device;
sending the job to the control point to which the device is
coupled; and
providing an execution engine to execute the job on the
control point.

As discussed earlier, the provisions of 37 C.F.R. §1.104(c)(2) specify that, where a §102 rejection is based on a complex reference, an Office Action must clearly identify the particular portions of the reference that supposedly correspond to the subject matter of the claim. In the present Office Action, the explanation of the rejection of Claim 85 appears in lines 10-16 on page 5. This explanation does not meet the requirements of §104(c)(2), in that the explanation fails to clearly identify which components of Frailong are believed by the Examiner to correspond to the "control server", the "control point" and the "device" mentioned in Claim 85. As best understood, the Office Action takes the same approach to Claim 85 that it does to Claim 40. Consequently, the rejection of Claim 85 suffers from the same defect as the rejection of Claim 40, in that it treats elements such as an execution engine 406 as if they were components of the server 206 and/or a control point, when in fact they are actually components of the device 208. Moreover, the Office Action asserts that lines 1-20 in column 9 of Frailong involve generating a job and that lines 1-21 in column 15 involve sending that job to a control point. In reality, however, lines 1-21 in column 15 have little or nothing to do with what is discussed in lines 1-20 of column 9.

As explained above, MPEP §2131 specifies that, in order for Frailong to anticipate Claim 85 under §102, Frailong must teach each and every element recited in Claim 85. In view of the foregoing discussion, it is respectfully submitted that Frailong does not disclose each and every element recited in Claim 85, and thus does not anticipate Claim 85 under §102. Claim 85

Appl. No. 10/005,396
Reply to Office Action of June 13, 2005

Attorney Docket No. 29484.30
Customer No. 27683

is therefore believed to be allowable over Frailong, and notice to that effect is respectfully requested.

Dependent Claims

Claims 41-47 and 87, Claims 74-77 and 88, and Claims 86 and 89 respectively depend from Claim 40, Claim 73 and Claim 85, and are also believed to be distinct from the art of record, for example for the same reasons discussed above with respect to Claims 40, 73 and 85, respectively.

Conclusion

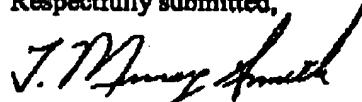
Based on the foregoing, it is respectfully submitted that all of the pending claims are fully allowable, and favorable reconsideration of this application is therefore respectfully requested. If the Examiner believes that examination of the present application may be advanced in any way by a telephone conference, the Examiner is invited to telephone the undersigned attorney at 972-739-8647.

Appl. No. 10/005,396
Reply to Office Action of June 13, 2005

Attorney Docket No. 29484.30
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Although Applicants believe that no fee is due in association with the filing of this Response, the Commissioner is hereby authorized to charge any additional fee required by this paper, or to credit any overpayment, to Deposit Account No. 08-1394 of Haynes and Boone LLP.

Respectfully submitted,



T. Murray Smith
Registration No. 30,222
(972) 739-8647

Date: August 25, 2005

HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: (972) 739-8647
Facsimile: (214) 200-0853
File: 29484.30

Enclosure: None

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